

17SL-AC08790

Electronically Filed - St Louis County - April 04, 2017 - 05:53 PM

IN THE CIRCUIT COURT
ST. LOUIS COUNTY
STATE OF MISSOURI
ASSOCIATE DIVISION

TOMEKA HINTON)	
)	
Plaintiff,)	
)	Cause No
v.)	
)	Division
CENTRAL CREDIT SERVICES LLC)	
)	
Serve at:)	
CT Corporation System)	
120 South Central Ave.)	
Clayton, MO 63105)	
)	
Defendant.)	JURY TRIAL DEMANDED

PETITION

COMES NOW Plaintiff and states as follows:

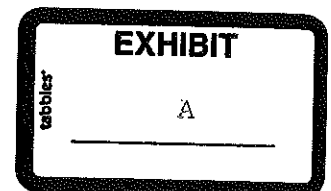
INTRODUCTION

1. This is an action for actual and statutory damages brought by an individual consumer for violations of the Fair Debt Collections Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

2. Plaintiff demands a trial by jury on all issues so triable.

JURISDICTION

3. This Court has jurisdiction of the FDCPA claim under 15 U.S.C. § 1692k(d), as Defendant's collection activity was directed to Plaintiff at her residence in St. Louis, Missouri.



Plaintiff suffered the harms described herein in Missouri. Venue is also proper in St. Louis County, Missouri for this reason.

PARTIES

4. Plaintiff is a natural person currently residing in St. Louis, Missouri. Plaintiff is a “consumer” within the meaning of the FDCPA.

5. The alleged debt Plaintiff owes arises out of consumer, family, and household transactions. Specifically, the debt arose from an auto loan.

6. Defendant Central Credit Services LLC (“CCS”) is a foreign limited liability company with its principal place of business in Florida.

7. The principal business purpose of CCS is the collection of debts in Missouri and nationwide, and CCS regularly attempts to collect debts alleged to be due another.

8. CCS is engaged in the collection of debts from consumers using the mail and telephone. CCS is a “debt collector” as defined by the FDCPA. 15 U.S.C. § 1692a(6).

FACTS

9. Plaintiff received an initial collection letter on or about March 13, 2017 with a debt amount in excess of seven thousand dollars.

10. Plaintiff researched her credit report and discovered a discrepancy in the amount of the debt CCS was trying to collect compared to what her creditor had been reporting. Plaintiff had a bona-fide dispute regarding the debt.

11. Plaintiff understood the language used in the initial collection letter and recognized that she had 30 days to dispute the debt.

12. The letter from CCS instructed Plaintiff to call CCS, and Plaintiff did so very shortly after receiving the initial letter on or about March 15, 2017, well within her 30-day dispute period as provided by 15 U.S.C. § 1692g.

13. At the outset of the call, Plaintiff learned that CCS was attempting to collect the debt amount of \$7,744.14.

14. CCS told Plaintiff that it had sent a special "settlement letter" because it was "tax time."

15. Plaintiff has never received such a letter.

16. CCS told Plaintiff that the "settlement" was for sixty percent of \$7,744.14, but that Plaintiff had to pay no later than March 31, 2017- a date that was just two weeks away.

17. CCS thereby overshadowed Plaintiff's dispute rights pursuant to 15 U.S.C. § 1692g.

18. Plaintiff could not possibly pay that amount in such a short time frame.

19. Based on the demand of payment, CCS was not honoring Plaintiff's dispute rights.

20. CCS's statements were false and overshadowed Plaintiff's right to dispute the debt pursuant to 15 U.S.C. § 1692g.

21. Plaintiff felt she had no choice to but to turn the debt over to her attorney, and did so.

22. CCS's statements caused Plaintiff, during the phone call, not to follow through with her original intent to dispute the debt.

23. CCS's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees, harassment, anxiety, frustration, and worry.

24. Further, CCS's above-described conduct has caused Plaintiff to suffer the following additional injuries in fact:

- a. Plaintiff has been deprived of her statutorily created right, as per the FDCPA, to truthful information about the amount of her debt that she should have obtained via a dispute;
- b. Plaintiff was prevented from disputing the debt as was her right;

25. The injuries in fact are fairly traceable to the challenged actions of CCS in that CCS made the violative communications directly with Plaintiff during the phone call referenced in this suit.

26. CCS's above-described conduct has caused Plaintiff to incur actual damages including but not limited to attorneys' fees, harassment, anxiety, frustration, and worry.

27. Plaintiff's injuries in fact are likely to be redressed by a favorable decision in this Court.

COUNT I: VIOLATION OF THE FDCPA

28. Plaintiff re-alleges and incorporates by reference all of the above paragraphs.

29. In its attempts to collect the alleged debt from Plaintiff, CCS has committed violations of the FDCPA, 15 U.S.C. § 1692 et seq., including, but not limited to, the following:

- a. Falsely representing the character, amount, or legal status of the alleged debt, specifically that the debt was not subject to dispute. 15 U.S.C. § 1692e.

b. Overshadowing Plaintiff's right to dispute the debt and causing Plaintiff to abandon her intended dispute of the debt. 15 U.S.C. § 1692g.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against CCS for:

- A. Judgment that CCS's conduct violated the FDCPA;
- B. Actual damages in an amount to be determined by the jury;
- C. Statutory damages, costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692(k); and
- D. For such other relief as the Court may deem just and proper.

Ross & Voytas, LLC

/s/ Richard A. Voytas, Jr.

RICHARD A. VOYTAS, #52046
rickvoytas@gmail.com
NATHAN E. ROSS, #51166
nate@rosslawstl.com
16024 Manchester Road, Suite 102
Ellisville, Missouri 63011
Phone: (636) 594-2266
Fax: (636) 333-1212



**Service of Process
Transmittal**

04/18/2017

CT Log Number 531074022

TO: Greg Stevens
Central Credit Services, Inc.
9550 Regency Square Blvd Ste 602
Jacksonville, FL 32225-8170

RE: Process Served in Missouri

FOR: Central Credit Services LLC (Domestic State: FL)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: TOMKA HINTON, Pltf. vs. CENTRAL CREDIT SERVICES LLC, Dft.

DOCUMENT(S) SERVED: Summons, Petition

COURT/AGENCY: 21st Judicial Circuit Court, St. Louis County, MO
Case # 17SLAC08790

NATURE OF ACTION: Violations of the Fair Debt Collections Practices Act

ON WHOM PROCESS WAS SERVED: C T Corporation System, Clayton, MO

DATE AND HOUR OF SERVICE: By Process Server on 04/18/2017 at 14:00

JURISDICTION SERVED : Missouri

APPEARANCE OR ANSWER DUE: May 17, 2017 at 9:00 a.m.

ATTORNEY(S) / SENDER(S): RICHARD ANTHONY VOYTAS, JR.
ROSS B VOYTAS, LLC
16024 MANCHESTER ROAD
SUITE 102
ELLISVILLE, MO 63011
314-594-2266

ACTION ITEMS: CT has retained the current log, Retain Date: 04/18/2017, Expected Purge Date:
04/23/2017

Image SOP

Email Notification, Jessica Coleman jcoleman@sessions.legal

Email Notification, Marlene Mascari mmascari@sessions.legal

Email Notification, Shellie Potter spotter@sessions.legal

Email Notification, Donielle Lambert dlambert@sessions.legal

Email Notification, Diana Vazquez dvazquez@sessions.legal

Email Notification, Martha Bradley martha.bradley@radiusgs.com

Email Notification, Christine Cervellere christine.cervellere@radiusgs.com



IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: JUDY PREDDY DRAPER	Case Number: 17SL-AC08790
Plaintiff/Petitioner: TOMEKA HINTON	Plaintiff's/Petitioner's Attorney/Address: RICHARD ANTHONY VOYTAS Jr. ROSS & VOYTAS, LLC 16024 MANCHESTER ROAD SUITE 102 ELLISVILLE, MO 63011 (314) 594-2266
Defendant/Respondent: CENTRAL CREDIT SERVICES LLC	Date, Time and Location of Court Appearance: 17-MAY-2017, 09:00 AM RM. 287 NORTH, DIV 41W ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: AC Other Tort	

(Date File Stamp)

Associate Division Summons

The State of Missouri to: CENTRAL CREDIT SERVICES LLC
Alias:
CT CORPORATION SYSTEM
120 SOUTH CENTRAL AVE
ST. LOUIS, MO 63105

COURT SEAL OF

ST. LOUIS COUNTY

You are summoned to appear before this court on the date, time, and location above to answer the attached petition. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. You may be permitted to file certain responsive pleadings, pursuant to Chapter 517 RSMo. Should you have any questions regarding responsive pleadings in this case, you should consult an attorney.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739 or TTY at 314-615-4567, at least three business days in advance of the court proceeding.

4-13-2017
Date

[Signature]
Clerk

Further Information:
LNG

Sheriff's or Server's Return

Note to serving officer: Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____ (name) _____ (title).

☐ other _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal) Subscribed and sworn to before me on _____ (date).

My commission expires: _____ Date _____ Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

JOAN M. GILMER
CIRCUIT CLERK
ST. LOUIS COUNTY CIRCUIT COURT
105 SOUTH CENTRAL AVENUE
CLAYTON, MISSOURI 63105 -1766

SPECIAL NEEDS: If you have special needs addressed by the American With Disabilities Act, please notify the Circuit Clerk's Office at 314/615-8029, Fax 314/615-8739, or TTY 314/615-4567, at least three business days in advance of the court proceeding.

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

CASE NUMBER: 17SL-AC08790 COURT DATE: MAY 24, 2017
PLAINTIFF: TOMIKA HINTON COURT TIME: 09:00 AM
DEFENDANT: CENTRAL CREDIT SERVICES LLC RM. 287 NORTH, DIV 41-WEDNESDAY

THIS CASE HAS BEEN CONTINUED TO THE ABOVE COURT DATE AND ALL PARTIES SHALL APPEAR. IF NO ANNOUNCEMENT IS MADE ON THE COURT DATE, THIS CASE MAY BE DISMISSED.

IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT (314) 615 - 8047.

JOAN GILMER, CIRCUIT CLERK



17SL-AC08790 DIV41 APRIL 14, 2017
TOMIKA HINTON
7533 NORWALK LANE
SAINT LOUIS, MO 63121
BJF